

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Tyrone Lucas,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 1:09-1601-TLW-SVH
)	
Angela Brown, DHO; Captain Kevin Ford;)	
Captain E. Bittinger; Lt. Alice Fleming;)	
Lt. Audrey Price; Officer Donald Tucker;)	
Officer Patricia Cook; Vernon Tucker;)	
Ms. Florence Kline; and Ms. Annason,)	
)	
Defendants.)	
)	

ORDER

The plaintiff, proceeding *pro se*, filed this civil action pursuant to 42 U.S.C. § 1983 on June 19, 2009. (Doc. #1). On February 3, 2010, the defendants filed a motion for summary judgment. (Doc. #36). The plaintiff filed a response in opposition to this motion on March 15, 2010. (Doc. #45). The defendants filed a reply on March 23, 2010. (Doc. #46).

Additionally, the plaintiff filed a motion for preliminary injunction on April 9, 2010. (Doc. #51). The defendants filed a response in opposition to the motion for preliminary injunction on April 26, 2010. (Doc. #53). The plaintiff filed a reply on May 4, 2010. (Doc. #54). This case was referred to United States Magistrate Judge Shiva V. Hodges pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #57). In the Report, the Magistrate Judge recommends that the District Court grant the defendants’ motion

for summary judgment and deny the plaintiff's motion for preliminary injunction. (Doc. #57). The plaintiff filed objections to the report as well as a motion to strike the Report. (Docs. #63, #65¹).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court concludes that the plaintiff's objections to the Report are **OVERRULED**, (Doc. #63), and the plaintiff's motion to strike the Report, (Doc. #65), is **DENIED**. The Court hereby **ACCEPTS** the Report. (Doc. #57). For the reasons articulated by the Magistrate Judge, the defendants' motion for summary judgment, (Doc. #36), is hereby **GRANTED**, and the plaintiff's motion for preliminary injunction, (Doc. #51), is hereby **DENIED**.

IT IS SO ORDERED.

¹The plaintiff filed a single document containing the objections to the Report and the motion to strike the Report. The Clerk of Court has docketed this single document as both objections to the Report, (Doc. #63), and a motion to strike the Report, (Doc. #65).

s/Terry L. Wooten
United States District Judge

September 15, 2010
Florence, South Carolina